

UNITED STATES COURT APPEALS FOR THE

NINTH CIRCUIT

United States Of America,
plaintiff

FILED

v.

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

Marcus Belton

Defendant.

-) Case No. CR-14-030-JST
a) Notice of Appeal Motion for
) Compassionate Release Pursuant
) To 18 U.S.C. §3582(c)(1)(A), And
) 18 U.S.C. §3553(a)'s Factors
) Statutory interpretation, begin
) with the TEXT See. Bostock v.
) Clayton CNTY., Georgia, 140 S. Ct.
) 1731, 1737(2020). Pro Se, seeAttached
) Appendix's six pages, And Exhibits
) H,I,J. And Letters from the community
) , And U.S. District Court's order.
)

Now comes Defendant, Marcus Belton now moves this court for an order to move Mr. Belton to home confinement because of facts in his medical record Id in this motion, shows "extraordinary and compelling reasons" discussed in Belton's Brief, May the record reflect that Belton's Mother passed away on November 13, 2020. And He respectfully ask that this Court proseed in ad-Hoc, and full review on the issues befor the Court.

To the Honorable Judge Tigar

This letter is about compassion
not law, and about why My Mother
last wishes weren't granted

She hasn't ever committed a crime,

though I may have been convicted

of a crime, never a crime of violence

no more violent than Shine runners

during prohibition or Canabus merchants

in certain States today. Again this

is not about law but compassion, so

I will now share My reasons for

My Pre-trial and trial behavior

and motivation to challenge My case

See the attached document page 10

first paragraph it clearly states that

the delivery was cancelled when the

Defendant identified the Surveillance

agents. Yet the Government went

before the Grand Jury with false

information saying that a drug deal

took place. And now here again

the Government has went before the

Grand Jury saying that I sold drugs

to Mr. Beals; which is not true

and due to grave Brady violations
I was unable to show min cam
recordings that I never sold any
drugs to Mr. Beals, to support the
probable cause to search that
car, Yes I was around things
that I should not have been around
but I have never been convicted
of any crime of violence like
Mr. Zeigler who's background shows
victims of violence, did you ever
have a chance to read My Mothers
last request before her death, all
I ask of you Judge Tigar is
to not look at me as a violent
person, but as a man that has
made poor choices, There is still
compassion to be shown and you are
the only one that can show my family
that opportunity of compassion by
reconsideration, and allowing me to
attend my mothers funeral and be
there for my wife and kids, allow
me that same opportunity you gave
Mr. Zeigler. And please read my mothers

last request, and the attached document I'd as page 10 first paragraph to have an understanding of why I went to trial and my pre-trial behavior and motivation to challenge my case, it was never to challenge your authority or the Government's I was only trying to exercising my Constitutional, Statutory and procedural rights to show the truth, I have been consumed by the fight for my freedom and the loss of my family by death, and I ask of you as a humane Judge to show me some compassion for my current situation I have also inclosed a current photo of my current health is declining, and the past 7 years of my trial and tribulation have changed me, I'm no longer the man you sentenced years ago and if given that chance to be a law abiding citizen and to attend my mothers funeral, and be home with my wife and family

I would be greatful, and would never put My family, My community in danger and I do realize that if given this opportunity I would still be on home confinement for the remainder of My sentence, there is a small change in My release plans I now would be living with My wife Krysta L N. Sipp in Stockton CA. And I request that I'd be allowed to work once I find employment

11-15-2020.

To Whom it may concern

My name is JoEva Wiggins Wellington
I am the mother of an inmate at Lompoc prison
Marcus Belton 98903-011

Our family has lived in California since 1953. I've worked for Alameda County 42 years and now I'm Retired. Since Marcus has been incarcerated he has lost his Father, Grandmother, Brother, sister and 2 aunts, he was unable to attend these funerals.

At this time I'm 79 years old and very ill. I've had 4 open heart surgeries and I'm praying I can see my son one more time before I leave this earth.

It is so sad the way the system is set up for Black people, I've seen people get less time for murder.

I pray that he is allowed to come home as soon as possible because I need him to help me. My daughter was helping me but she passed away 2-25-2020

With urgent prayers.
Please send my son home

JoEva Wiggins Wellington

10-1-2020

We need the country to have
mercy and allow him to come home
out of Goliad. There are 2 women
of us left, and I have had open
heart surgery and my mother has
had 3 triple bypass operation so
I am not a great help to care for
her at this time we need him home
badly to help care for her.

Marcus also contracted the Corona-
virus while incarcerated, I was
in fear that he would die which took
a great toll on his recovery. Please
dont let him not be able to see
her before she passes away. There
have been 7 deaths in this family
that he was not able to attend.

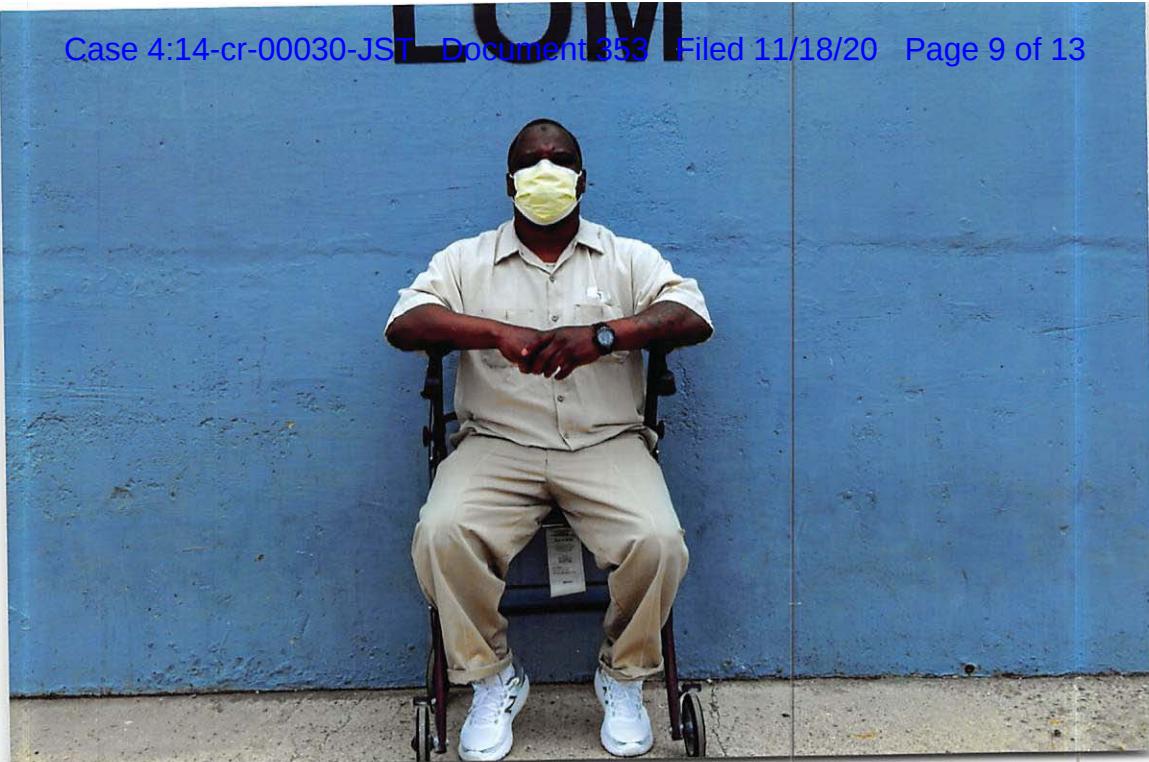
People that have done way more
serious crimes and got less time
than Mr. Belton so the family ask
that you please have mercy on him
Take the decrease

Re: Belton, Marcus (15546)

38.	06/13/1998 (Age 26)	Use of a Communications Facility to Commit a Drug Felony, felony/ United States District Court, , Oakland, CA; Docket No.: CR 98-40082-11-DLJ	12/21/2000: Four years custody in the Bureau of Prisons, one year supervised release 06/07/2002: Released from custody 10/03/2002: Arrested 11/27/2002: Supervised release revoked, 10 months custody in the Bureau of Prisons, released from custody 01/03/2003: Failed to self-surrender 01/06/2003: Warrant issued 01/24/2003: Arrested	4A1.1(a) 4A1.2(k)(1)	3
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The defendant was represented by counsel. According to the presentence report, on February 7, 1998, the defendant used a telephone and pager in Oakland, California to negotiate the delivery of approximately one (1) kilogram of cocaine for approximately \$15,500. However, the delivery was cancelled when the defendant identified the surveillance agents. It is noted, the defendant was sentenced to four years of custody pursuant to USSG §5Gl.l(a), because the guideline range for his crime (57 to 71 months) was more than the statutorily authorized maximum sentence of four years.

The defendant was released from custody on June 7, 2002. According to the Bureau of Prisons' records, the \$100 special assessment was paid prior to his release. However, during Belton's short period of supervised release, the defendant was involved in numerous violations. On July 8, 2002, during a meeting with United States Probation Officer, Belton indicated his driver's license was suspended and he understood he was not allowed to operate a vehicle. However, on that same date, the defendant was observed leaving a parking garage (adjacent to the Oakland Federal Building) driving a 1992 Lexus sedan (later determined to be registered to his mother). On July 23, 2002, the defendant submitted a urinalysis sample which tested positive for cocaine metabolite. On August 6, 2002, and August 18, 2002, Belton submitted urinalysis samples which tested positive for THC metabolite. Additionally, he failed to report for eight urinalysis tests scheduled between June 22, 2002, and August 24, 2002. The defendant also failed to report for counseling on June 26, 2002 and August 21, 2002. On September 4, 2002, based on the reports that the defendant had failed to report for appointments, services at the East Bay Community Recovery Project (EBCRP) were terminated. On October 3, 2002, Belton was arrested in Oakland, California for Possession of a Controlled Substance (approximately one-half ounce of crack cocaine). Subsequently, an acquaintance of Belton's took responsibility for the narcotics, indicating he mistakenly left some cocaine inside the pocket of a pair of brown pants in the closet of the apartment where Belton was arrested. It is noted, other clothing and items that belonged to Belton



Marcus Belton, 98903-011
United States Penitentiary - Lo.
3901 Klein Blvd.
Lompoc, CA. 93436.

n POC



Santa Barbara

MON 16 NOV

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